

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

MAR 27 2013

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS BY DAVID J. MALAND, CLERK
LUFKIN DIVISION DEPUTY

UNITED STATES OF AMERICA

v.

CATHY HARVILL (1) and
WILLIAM HARVILL a/k/a
BILL HARVILL (2)

§
§
§
§
§
§
§
§

SEALED

No. 9:13CR 06
Clark/Giblin

INDICTMENT

THE UNITED STATES GRAND JURY CHARGES:

General Allegations

At all times relevant to this Indictment:

1. The Medicare Program (“Medicare”) is a health care benefit program as defined by 18 U.S.C. § 24(b), which provides benefits to persons who are over the age of sixty-five and some persons under the age of sixty-five who are blind or disabled. Medicare is administered by the Centers for Medicare and Medicaid Services (“CMS”), a federal agency under the United States Department of Health and Human Services (“HHS”). Individuals who receive benefits under Medicare are referred to as Medicare “beneficiaries.”

2. The Texas Medical Assistance Program (“Medicaid”) is a health care benefit program as defined by 18 U.S.C. § 24(b), which is jointly funded by the State of Texas and the federal government. The Medicaid program helps pay for reasonable and necessary medical procedures and services provided to individuals who are deemed

eligible under state low-income programs. Individuals eligible under the Medicaid program are referred to as Medicaid “recipients.”

COUNT 1

Violation: 18 U.S.C. §§ 641 and 2 (Theft of Government Money)

1. The General Allegations section of this Indictment is realleged and incorporated by reference as though fully set forth herein.

2. Beginning in or around January 2007, and continuing without interruption until in or around June 30, 2010, in the Eastern District of Texas, the defendants, **Cathy Harvill** and **William Harvill a/k/a Bill Harvill**, did knowingly and willfully steal and convert without authority to their own use money of the United States Department of Health and Human Services, a department or agency of the United States, namely Medicare and Medicaid payments to which the defendants knew they were not entitled, having a value of approximately \$624,938.26, which were obtained through the submission of false and fraudulent claims, in violation of 18 U.S.C. §§ 641 and 2.

NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE

Pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c)

1. The allegations contained in Count 1 of this Indictment are realleged and incorporated by reference as though fully set forth herein for the purpose of alleging forfeiture to the United States of America of certain property in which the defendant has an interest.

2. Upon conviction of any violation of 18 U.S.C. § 641, the defendants, **Cathy Harvill** and **William Harvill a/k/a Bill Harvill**, shall forfeit to the United States any property, real or personal, that constitutes or is derived from proceeds traceable to a violation of any offense constituting "specified unlawful activity," or a conspiracy to commit such offense, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

3. The property which is subject to forfeiture, includes but is not limited to the following:

A money judgment in the amount of \$624,938.26, which represents proceeds of the fraud.

4. Pursuant to 21 U.S.C. § 853(p), as incorporated by reference by 18 U.S.C. § 982(b), if any of the forfeitable property, or any portion thereof, as a result of any act or omission of the defendant:

- a. Cannot be located upon the exercise of due diligence;
- b. Has been transferred, or sold to, or deposited with a third party;
- c. Has been placed beyond the jurisdiction of the Court;
- d. Has been substantially diminished in value; or

e. Has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States to seek the forfeiture of other property of the defendant up to the value of the above-described forfeitable properties, including, but not limited to, any identifiable property in the name of **Cathy Harvill** and **William Harvill a/k/a Bill Harvill**.

6. By virtue of the commission of the offenses alleged in this Indictment, any and all interest the defendant has in the above-described property is vested in the United States and hereby forfeited to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

All pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) and the procedures set forth at 21 U.S.C. § 853, as made applicable through 18 U.S.C. § 982(b)(1).

A TRUE BILL


GRAND JURY FOREPERSON

3-27-13
Date

JOHN M. BALES
UNITED STATES ATTORNEY


NATHANIEL C. KUMMERFELD
ASSISTANT UNITED STATES ATTORNEY

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

UNITED STATES OF AMERICA §
v. § No. 9:13CR
§
CATHY HARVILL (1) and §
WILLIAM HARVILL a/k/a §
BILL HARVILL (2) §

NOTICE OF PENALTY

COUNT 1

VIOLATION: Title 18, United States Code, Section 641
Theft of Government Money

PENALTY: Imprisonment of not more than ten years, and/or a fine of \$250,000 to be followed by not more than three (3) years supervised release.

SPECIAL ASSESSMENT: \$100.00